



# PRIVATE SEALED BID AUCTION



DATE: OCTOBER 27, 2008  
TIME: 11:00 A.M.

Sealed bids will be accepted by the State of California, Department of Transportation, 111 Grand Avenue, Oakland CA 94623-0440 until October 27, 2008 at 8:00 A.M. The bids will be publicly opened and read at 111 Grand Ave, Oakland, CA Rm 13-210 (Mt. Diablo), promptly at 11:00 A.M. on the same day.

**NOTE: THE STATE RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS WITHIN 10 DAYS FROM THE DATE OF SALE. IN THE EVENT OF BID REJECTION, THE RESPECTIVE DEPOSITS OF MONEY SHALL BE REFUNDED WITHOUT INTEREST.**

ALL PROPERTIES ARE SOLD IN "AS IS" CONDITION, The Department of Transportation makes no representation as to the potential use of this property. Bidders should check with the Town of Los Gatos and County of Santa Clara Planning Departments regarding Building restrictions, compliance and ultimate development, etc.

**SEALED BID OPENING AT:**  
**DEPARTMENT OF TRANSPORTATION**  
111 Grand Ave., Rm. 13-210 (Mt. Diablo), Oakland, CA 94623  
MAIL BIDS TO: P.O. 23440, Oakland, CA 94623-0440  
Attn: Lawrence High

CONTACT R/W AGENT: Lawrence High PHONE: (510) 286-5356  
WEEKDAYS 7:30 TO 11:30 A.M.— 1:00 TO 4:15 P.M.  
Lawrence\_high@dot.ca.gov

The information in this brochure was obtained from reliable sources but is not guaranteed, and is furnished solely as an aid to prospective bidders

## NOTICE OF SEALED BID SALE OF OPTION TO PURCHASE

Sealed Bids will be accepted by the State of California, Department of Transportation, 111 Grand Avenue, Oakland, California, until the date and time of October 27, 2008 at 8:00 A.M. for the award of an Option to Purchase real property owned by the said Department of Transportation and located south of Oka Road and west of State Route 85 in the Town of Los Gatos, County of Santa Clara, State of California. Bids must be received at the desk of LAWRENCE HIGH before 8:00 A.M. October 27, 2008. Bids will be opened at 111 Grand Ave., Rm 13-210 (Mt. Diablo), Oakland, CA promptly at 11:00 A.M.

## BIDDING PROCEDURE:

1. Complete the Option to Purchase form; see terms of "Option to Purchase".
2. Enclose the completed form and the Option Deposit in an envelope using the "cut out" address and identification at the bottom of this page.
3. Make Cashier's Check or Money Order for the Option Deposit payable to "State of California, Department of Transportation".
4. Verify that the Sale Item No. (041295-01-01) on which you are bidding is on the outside of your bid envelope.
5. The Bidder's name and mailing address should be shown in the upper left-hand corner of the bid envelope.
6. Envelopes not properly marked could be opened prior to the sale which may disqualify the bidder of that envelope from the Bid.

### NOTE:

IN ORDER TO ELIMINATE POSSIBLE ACCIDENTAL OPENING OF BID ENVELOPES PRIOR TO THE TO THE ADVERTISED TIME OF THE BID OPENING, IT IS IMPORTANT THAT THE NOTICE BELOW BE AFFIXED TO THE OUTSIDE OF THE ENVELOPE ENCLOSING OF THE BID.

-----CUT HERE-----

**SEALED BID**

**SALE ITEM 041295-01-01**

FOR STATE PROPERTY IN CALIFORNIA,  
**To be opened at 11:00 A.M.** on (October 27, 2008)  
111 GRAND AVE. RM. 13-210, OAKLAND, CA

Attn: LAWRENCE HIGH

## DATA SHEET

**LOCATION:** South of Oka Road, Los Gatos

**Minimum Bid:** \$2,725,000.00

**Required deposit:** \$227,500.00  
(CASHIERS CHECK OR MONEY ORDER)

### 60-DAY OPTION PERIOD

Balance to be received at the Department of Transportation Office (or escrow to close) on or before December 26, 2008 or the first working day thereafter.

**DESCRIPTION:** Legal Description available upon request

**SIZE:** 1.96 ac (±85,400 s.f)

**SHAPE:** See attached map (Irregularly-shaped lot)

**TOPOGRAPHY:** Level

**ZONING:** Residential: Condominium

**UTILITIES:** Unknown. Prospective bidders should check with appropriate utility companies for specific information regarding this property.

**ACCESS:** Via Oka Road

**IMPROVEMENTS:** The subject property has improvements built by the lessee.

- six tennis courts and their accessories
- small single storage structure

**TENANCY:** The property is currently leased by the Los Gatos Swim & Racquet Club. **Please, do not disturb the tenant.**

**ENCUMBRANCES:** Access easement for Santa Clara Valley Water District, maintenance and drainage easements for Department of Transportation, other easements, restrictions, etc. of record, if any.

**REMARKS:** None

**R.E. TAXES:** Property is not assessed for taxes while vested in the State. It will, however, be assessed after transfer into private ownership.

## TERMS OF OPTION TO PURCHASE

**CASH TERMS:** THIS TRANSACTION WILL BE AN ALL CASH SALE.

**DEPOSIT:** All bidders must submit, either a CASHIER'S CHECK or a MONEY ORDER made payable to the State Department of Transportation in the amount of the required option deposit (\$272,500.00). **Personal checks will not be accepted.**

**NOTE:** If the purchase price is more than \$2,275,000.00, bidder agrees to deposit the difference, if any, between the initial bid deposit stated in the sales notice (\$272,500.00) and any amount representing 10% of the actual bid, within 10-working days of the sale (November 10, 2008).

**OPTION PERIOD:** The option deposit will be consideration for the option period, the length of which is 60 Days. The option period shall commence on the first day following the date of sale (October 28, 2008). The balance of the purchase price shall be paid on or before expiration of the option period (December 26, 2008, or the first working day thereafter).

There may be situations wherein the Option Holder is unable to complete the Terms of Option within the time allowed for reasons beyond his/her control. Under these circumstances, the State, at its discretion, may elect to extend the option period. A charge of 1% of the bid price per month will normally be made for such extensions. This charge SHALL NOT be applied toward the purchase price.

**FORFEITURE OF DEPOSIT:** The option deposit and any additional extension deposit(s) shall be non-refundable in the event that the Successful Bidder fails to exercise the option within the option period or fails to comply with any and all terms of the option as herein provided.

**OPTION AGREEMENT:** Immediately after the auction the Successful High Bidder shall sign an Option to Purchase Agreement (attached), for cash, along with his/her Option Deposit and said Option to Purchase Form shall become the Option Agreement and the Successful Bidder shall be bound to the terms specified in the Notice of Sale and Option to Purchase Form.

**SECOND HIGH BID:** In the event the High Bidder fails to exercise his /her option within the option period or defaults in completion of the sale, the State may, at its discretion, offer the option to the Second Highest Bidder. If the Second High Bidder accepts the option, the deposit requirement and terms of option to purchase shall be the same as stated in this notice of sale except that the option period shall commence on the day the option is awarded by the State to the Second High Bidder.

### **LIMITING CONDITIONS:**

(1) The sale under this option is subject to the approval of the California Transportation Commission. Any assignments under this contract must be made prior thereto. If the sale is not approved, the option deposit money will be refunded without interest. The Successful Bidder may take possession when the Director's Deed is recorded.

(2) When the sale is approved by the California Transportation Commission and the Successful Bidder elects to exercise the option, the option deposit will be credited toward the bid purchase price.

(3) The State reserves the right to reject any and all bids and to cancel the sale, in part or in its entirety, any time prior to the approval of the sale by the California Transportation Commission. In the event of cancellation of sale and/or rejection of any bids, the respective deposits of money shall be refunded without interest.

(4) An agreement between two or more prospective Bidders to set their bid price or not to submit bids against each other, with the purpose of purchasing this parcel or other parcels at a more advantageous price or terms, is prohibited. Where such agreements come to the knowledge of the Department of Transportation, any bids made pursuant to such an agreement will be disqualified.

(5) The right, title and interest in the property to be sold shall not exceed that vested in the State of California, and this sale is subject to all title exceptions and reservations whether or not of record. The Successful Bidder may obtain a policy of title insurance at their own expense.

(6) The property is sold in an "AS IS" condition. The Successful Bidder agrees that, as of the close of escrow, it will be acquiring the property in an "AS IS" condition with all faults and conditions then existing on the property, including any hazardous substances or hazardous wastes that may be located on, under, or around the property, whether known or unknown, and Successful Bidder assumes all responsibilities for such faults and conditions.

(7) The Successful Bidder shall pay all recording fees, documentary stamp taxes or other real estate transaction taxes or fees by whatever name known, including escrow fees, if any, and personal property sales taxes where applicable.

(8) Should the Successful Bidder desire a survey of the property, this may be accomplished by an independent survey at the Bidder's expense. No warranty is made by the Department of Transportation relative to the ground locations or property lines other than monumented highway right of way lines.

(9) The Successful Bidder shall be responsible for checking and complying with local building codes and ordinances. All properties are sold in an "As Is" condition. See local Planning Department for permitted land uses.

(10) All Caltrans employees may bid to acquire excess State property except employees who have direct access to information not generally available to the public or who influence the purchase or sale or right of way or other real property.

**SPECIFIC CONDITIONS:** The Successful Bidder shall, within **10-working days (November 10, 2008)** of the sale, open escrow at his/her expense with a mutually acceptable title company. All additional payments including any increase deposit and balance of the purchase price may be deposited with the title company.

Coordinates and bearings are on  
NAD83 Zone 10. Distances and  
stationing are grid distances.  
Multiply by 1.000037 to obtain  
ground distances.  
All distances are in feet unless  
otherwise noted.

**DD-041295-01-01**

COUNTY OF  
SANTA CLARA

TO CAMBRIDGE PARK

STATE ROUTE 85

TO SARATOGA

WINCHESTER BLVD.

OAK ROAD

STATE ROUTE 17

SOUTH BASCOM AVENUE

CITY OF  
LOS GATOS

LARK AVENUE

**et**

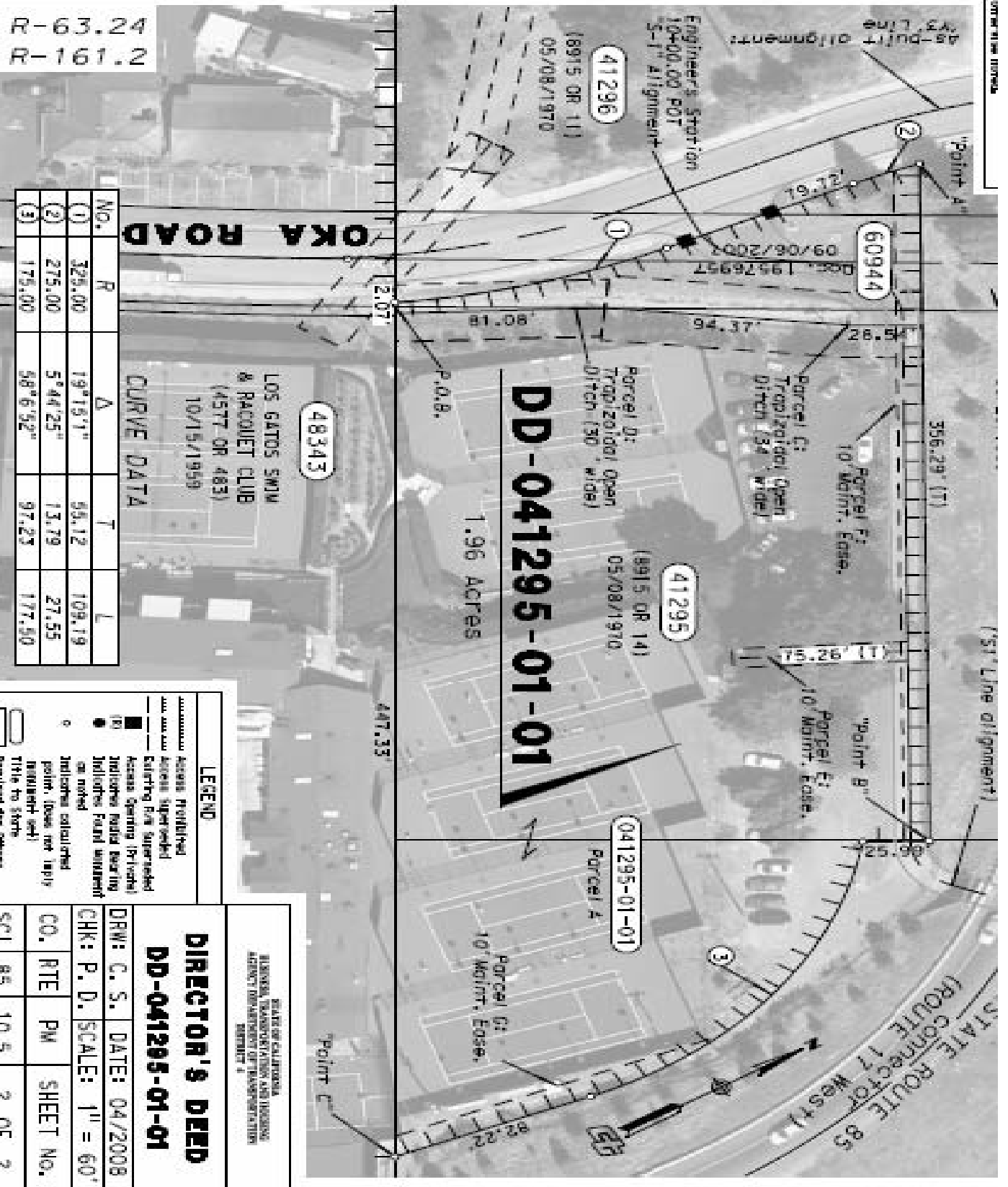
"Point C"

STATE OF CALIFORNIA  
SANTA CLARA COUNTY  
COUNTY CLERK'S OFFICE  
SANTA CLARA

**DIRECTOR'S DEED**  
**DD-041295-01-01**

DRW: C. S.	DATE: 04/2008
CHK: P. D.	SCALE: 1" = 60'
CO. RTE	PM SHEET No.
SCI 85	10.5 1 OF 2

R-63.24  
R-161.2



R-63.24  
R-161.2

No.	R	Δ	T	L
(1)	325.00	19°15'1"	55.12	109.19
(2)	275.00	5°44'25"	13.79	27.55
(3)	175.00	58°6'52"	97.23	177.50

LOS GATOS SNOW  
& RACQUET CLUB  
(4577 OR 483)  
10/15/1959

OKA ROAD

CURVE DATA

LEGEND	
	Access: notified
	Access: supervised
	Access: opening (Private)
	Indicates Right of Way
	Indicates Found Water
	Indicates calculated point (does not imply requirement)
	Title to State
	Required for others

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION REMITTANCE			
<b>DIRECTOR'S DEED</b>			
<b>DD-041295-01-01</b>			
DRW: C. S.	DATE: 04/2008		
CHK: P. D.	SCALE: 1" = 60'		
CO. RTE	PM	SHEET NO.	
SCI 85	10.5	7 OF 7	

## **LIMITATIONS AND INSPECTION**

The State of California reserves the right to reject any and all offers and waive any informality or irregularity in any offer or to accept any offer deemed in the best interest of the State.

The sales of these properties are subject to all matters of public record and any easements, claim of easements or reservations not of record. The Department of Transportation does not assume any liability for possible encumbrances on these properties.

Prospective bidders should consult local title companies if more complete information regarding the titles of the properties is required.

Interested parties, upon request and with written permission, may inspect the properties and conduct core or soil sample tests.

The sale of properties are exempt from C.E.Q.A. The environmental determination by Caltrans for the sale of these properties does not mean that the buyer may not have to obtain subsequent environmental clearance or prepare an environmental document as required by any local agency. Buyer should be aware that if buyer seeks some form of approval or permit for development subsequent to buyer's purchase of these excess properties, the local agency may require an environmental document and/or environmental analysis before giving its approval or permit.

The real property which is the subject of this sale may be situated within a Special Studies Zone as so designated under the Alquist-Priolo Special Studies Zones Act, Sections 2621-2625, inclusive, of the California Public Resources Code. As such, approval of any future construction or development of any structure for human occupancy on these properties may be subject to the findings contained in a geologic report prepared by a geologist registered in the State of California. The Department of Transportation makes no representations on these subjects, and any prospective bidder should make his/her own inquiry or investigation into the potential effects of this Act on these properties.